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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/024,958 | 12/18/2001 | Melisa Buie | AMA/4213.P1/ETCH/METAL/JB | 3439 |
| 32588 | 7590 | 07/06/2004 | EXAMINER | |
| APPLIED MATERIALS, INC. 2881 SCOTT BLVD. M/S 2061 SANTA CLARA, CA 95050 | | | CHEN, KIN CHAN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1765 | |

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/024,958

Applicant(s)

BUIE ET AL.

Examiner

Kin-Chan Chen

Art Unit

1765

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: references cited for evidences


Kin-Chan Chen
Primary Examiner
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Response to Request-for-reconsideration-after-final

1. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or **in the knowledge generally available to one of ordinary skill in the art.** See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). As has been stated in the office action, it would have been obvious to one with ordinary skill in the art to modify Kornblit by using carbon monoxide as taught by Meyer **because each of which is taught by the prior art to be useful for the same purpose of etching chromium coated glass substrate.**

“ It is prima facie obvious to use two compositions (two methods) each of which is taught by the prior art to be useful for the same purpose. ” *In re Kerkhoven* 205 USPQ 1069 (CCPA 1980). *In re Susi* 169 USPQ 423, 426 (CCPA 1971). See also *Ex parte Quadranti* 25 USPQ 2d 1071 (BPAI 1992).

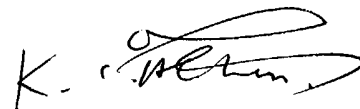
2. Applicant has argued the compositions (ratios of the etching gases), processing parameters (such as power and pressure) and carrier gas (e.g., helium). As has been stated in the office action, they are commonly determined by routine experiment. The process of conducting routine optimizations so as to produce an expected result is obvious to one of ordinary skill in the art. It is noted that applicant did not traverse the aforementioned conventionality ,which have been stated in the previous office action (October 20, 2003). However, The examiner would like

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to further provide some evidences (see Demmin et al. US 6,635,185, beginning at col. 7, line 15) to show the compositions (ratios of the etching gases), processing parameters (such as power and pressure) are well-known result-effective variables in the art of dry etching, which can be optimized, also see MPEP 2144.05. As to carrier gas, as stated in the office action, Meyer teaches using carrier gas (col. 3, line 11) such as argon. Therefore, it includes helium because argon and helium are notoriously well-known carrier gases in the art of dry etching, also see the further evidences, Takada et al. (US 4,350,563; col. 7, line 57), Tachi (US 4,406,733; col. 2, line 57).

In light of comments above, the obviousness rejections are maintained.

July 1, 2004



KIN CHAN CHEN
PRIMARY EXAMINER